

Entered - 9-4-01 - sb  
CL 01L0540 - GWENDOLYN BURNS

CLAIM OF: **TOMAS J. CHAO**  
925 Canterbury Road,  
Atlanta, Georgia 30324

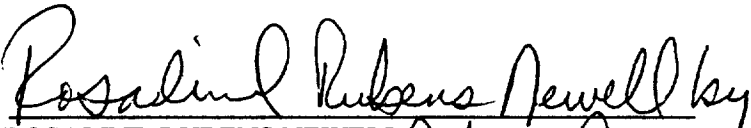
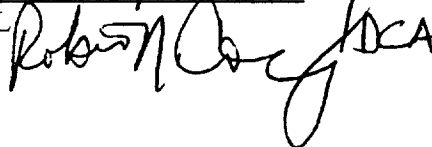
01- *R* -1752

For vehicular damages alleged to have been sustained as a result of a road striping project on July 29, 2001 at Roxboro Avenue, NE & Roxboro Circle, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **TOMAS J. CHAO** the sum of **\$744.11** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a road striping project on July 29, 2001 at Roxboro Avenue, NE & Roxboro Circle, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY  DCA

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0540

Date: October 2, 2001

Claimant /Victim TOMAS J. CHAO  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 925 Canterbury Road, #237, Atlanta, Georgia 30324  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,373.79 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 8/14/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 7/29/01 Place: Roxboro Avenue, NE & Roxboro Circle, NE  
Department PUBLIC WORKS Division Traffic & Transportation Services  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was driven through yellow paint during a road striping project by the City.

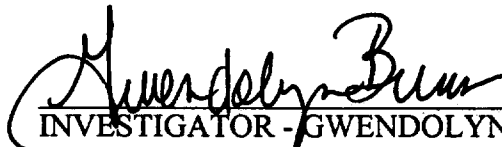
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

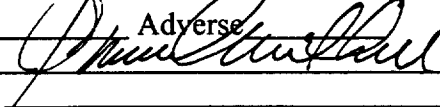
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 744.11 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-18-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
CLERK OF COUNCIL  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

RE: CLAIM FOR DAMAGES

AUG 14 2001

Today's Date: 8/6/01

BURNS  
08/23/01

MUNICIPAL CLERK

Dear Clerk of Council:

ENTERED - 9-4-01 - SB  
01L0540 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,373.79 property and/or \$ NONE bodily injury for which I contend the City is liable.

1. Date of incident: 7/29/01  
(month/day/year)
2. Police called: Yes ☒ No ☐
3. Location of incident: BOX BORO AVE -> BETWEEN WELUCA RD AND ROXBORO CIRCLE  
IN ATLANTA, GA.
4. Name of your insurance company: GEICO Policy No. 418-15-70
5. State what and how incident occurred: CITY OF ATLANTA TRUCK WAS PAINTING YELLOW LINES  
IN ROAD WITHOUT BLOCKADE, WARNING SIGNS OR WORKERS REDIRECTING  
TRAFFIC. YELLOW PAINT SPLASHED ONTO MY CAR WITHOUT MY KNOWLEDGE,  
AT THE TIME. WHEN I GOT HOME I NOTED THE STREET PAINT ON MY  
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL CAR  
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: MITSUBISHI MONTERO LIMITED, 2001, TOMAS J. CHAO  
(make) (year) (tag number) (driver's name)  
City vehicle: UNKNOWN  
(make) (City driver's name) (department/bureau)  
8. Witness: UNKNOWN  
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

Tomas J. Chao  
(claimant's name)

925 CANTERBURY RD #237  
(address)

ATLANTA, GA 30324  
(city and state)

770-952-2134 404-442-9988  
(work number) (home number)

(4)520-9988 (cell)

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 01L0540

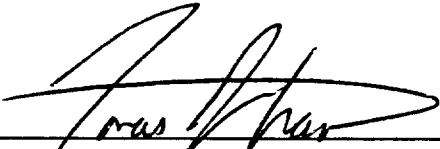
\$ 744.11

IN CONSIDERATION of and the sum of ONE HUNDRED FORTY-FOUR DOLLARS AND 11/100s  
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do  
hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its  
officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of a vehicular incident which occurred on or about the 29th day of July  
2001, at or near Roxboro Avenue & Roxboro Circle.

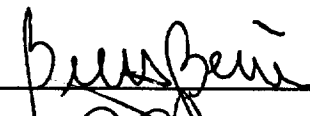
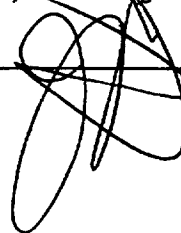
It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 3rd day of OCTOBER, 20 01.

  
\_\_\_\_\_  
**THOMAS J. CHAO** (LS)

The above release was read and explained to, and signed by the said Thomas J. Chao in our  
presence on the date above written.

x   
x   
\_\_\_\_\_  
WITNESSES

01-~~1~~-1752